

MARITAL RAPE: A NON-CRIMINALIZED CRIME IN INDIA

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ABSTRACT

Spousal rape, often known as marital rape, is when one person has sex with the other without the other person's permission. There is no need for physical violence if there is a lack of consent. Marital rape is seen as a kind of domestic violence as well as a form of sex abuse. It is no longer considered a right of spouses to engage in sexual activity while married, as doing so without the agreement of one's spouse has been declared by law and culture to be a sin. International agreements condemn it as rape, and governments throughout the world are cracking down on the crime.

The Narendra Modi government's reactionary stance in the case of *RIT Foundation vs. Union of India*, which is currently before the Delhi high court, that criminalizing marital rape would "destabilize" the institution of marriage" and could become an easy tool to "harass husbands" is utterly disappointing. Because of this strange association, the government decided to keep rape committed in the married relationship illegal. Raped by her husband is no less savage than *Triple Talaq* or polygamy. These are issues with which the current administration appears to be preoccupied. Our inherent cultural sexism is reflected in the Centre's despicable behaviour. This has led to the greater oppression of women throughout time.

SYNOPSIS

Statement of Problem:

"Rape," the most fundamental yet most serious violation of women's human rights, is punishable by law and universally recognised as a horrific crime around the world. "Rape is a deathless humiliation & the gravest crime against human dignity," the Supreme Court of India has remarked emphatically. Marital rape, on the other hand, is rape that occurs within the bounds of the marriage structure. It is physical violence perpetrated by one's spouse. According to the Indian situation, raping one's wife over the age of fifteen years is not deemed a chargeable offence under Section 375 of the Indian Penal Code. The exemption clause is not an accident of the law; it has its origins in the English legal system, dating back nearly 300 years to a ruling issued by CJ Lord Hale in the 17th century. According to the National Family Health Survey (2015-16), spousal sexual assault affects 10.4% of married women of all ages. This social reality, according to Social Constructive Theory, is because men have controlled the law-making and political sphere since ancient times.

Research Objectives:

- To investigate the scope of marital rape in India.
- To understand the national and international legal frameworks governing marital rape.
- Suggestions for strengthening the present sociological, psychological, and legal procedures.
- To concentrate on distinguishing Marital Rape from other forms of rape.
- To investigate the legal framework and various perspectives on marital rape.
- To make recommendations for changes to existing criminal laws.
- To conduct a comparison study between India and The United States.

Research Questions:

- What is the Punishment prescribed for the offence of Marital Rape?

- What is the current status of Marital Rape in India?
- What are the different kinds of Marital Rape?
- Why Marital Rape is considered to be an exception to the offence of Rape?
- Comparative study between India and other countries.
- What is the cause and effect of Marital Rape?

Hypothesis:

- Marriage has been conditioned to be viewed as a free permission to have sex. As a result, a sense of entitlement develops.
- The idea of a wife as an "asset" is deeply ingrained.
- Accepting that marital rape occurs is the first step in punishing it. That is too narrow-minded for us to accept. If a woman resists her spouse, we believe she is to blame. It is her responsibility to follow her husband's orders.
- It is not rape if it is with his wife, who is not under the age of fifteen.”
- Marriage is an institution that hides a lot of ugliness of our patriarchal society – forced abortions, extortion, and torture (mental and physical). We are squeamish of dissecting marriage. Arranged Marriage is a barter. An exchange of promises. Sex is one of them. Marital right to sexual intercourse is a firmly held belief.ⁱ
- Marriage is a solution to rape in many parts of India. It’s like you walk into a store and damage any product, you need to buy it / pay the price of it. A raped woman is damaged goods. Marry her and rid the family of a liable asset, you are redeemed of your crime. Such a society is incapable of understanding marital rapeⁱⁱ.
- Improper usage of Sec 375 of IPC which states “Sexual intercourse by a man with his own wife, the wife not being under fifteen years of age, is not rape.”ⁱⁱⁱ

Methodology:

The methodology deployed for this research paper shall be Doctrinal. The information given has been thoroughly searched and understood by the researcher. It has been referred from various websites, Online Articles, Journals and books relating to Crime. Several legislations like the Indian Penal Code; Code of Criminal Procedure along with its amendments is also referred. My personal views and opinions have also been taken into consideration for making this synopsis and project.

INTRODUCTION

Despite the fact that Indian Penal Laws are widely accepted in India, the problem of Marital Rape has emerged as a grave and troubling issue in the last two to three decades. The country of India has a pressing requirement for a particular law that regulates and is generally recognized internationally. To fight for their own safety, women have been given a number of particular rights and protections under the law. The concept of total marital exemption has no modern basis or relevance whatsoever. If a rape may be classified as either married or extramarital, it should be treated as a crime. It is rape if you have a sexual relationship with force without the permission of your spouse. This work also covers the identification of marital rape as distinct from rape, and a comparison between two different nations has been explored.

Recent decades have seen an upsurge in the number of cases of interracial rape, according to statistics. The emotional anguish of being raped, the hurt of being victimised by one's own spouse, and the helplessness of remaining silent are all key components of a marital rape. The only group in India that has experienced an increase in street crime is women, who have been targeted since ancient times. When it comes to maintaining and keeping women secure, our country's law-making bodies have tried a number of different things throughout the years without success. It was claimed by Indiana University Press in 1990 that "more than one out of every seven married women has been raped" According to the United Nations Population Fund, more than two-thirds of Indian married women aged 15-50 have been subjected to forced sex, beatings, and torture in addition to dowry demands.

Criminalizing Marital Rape as a serious and terrible offence has been a priority in many nations. Domestic rape was become a crime in Indonesia, Turkey, Mauritius, and Thailand all within the last five years.^{iv}

The Verma Committee, which recommended changes to India's sexual assault legislation, was the group that first advocated criminalizing marital rape. Protection of Women from Domestic Violence Act, 2005 was passed by the courts and has provided victims with a mechanism to get justice for their suffering. There was a glaring omission in this legislation: Marital rape was not criminalized.

Legal frameworks and views of Marital Rape have been examined further in several countries throughout the world. Researchers hope to discover why domestic rape in India has not yet been criminalized.

DEFINITION OF MARITAL RAPE^v

According to the Urban Dictionary, the root word for "rape" is "ratio." Outrage the modesty of women without their agreement or against their will involves forcing their assent by threat, force, deceit or inducement.

Section 375 of the Indian Penal Code, 1860, defines rape as a crime against a woman or a child. "Rape is an unlawful sexual intercourse between a man and woman without the agreement of women or against their will under any of the circumstances mentioned under the provision will constitute to rape," the definition reads.

Verma was in charge of the committee tasked with looking into ways to speed up trials and increase penalties for criminals. Upon receiving notified, the committee had thirty days from that date to present its findings and recommendations. When it came time to revise the women and children's rights legislation, the committee recommended revising and substituting Sections 375, 376, 376 A through 376D. There were several changes implemented as a result of the committee's recommendations. Raped women are not protected by Section 375 or Section 376 of the law, which both describe the crime and outline the punishment for raping a woman in a marital relationship.

MARITAL RAPE: AN EXCEPTION TO RAPE

Sexual relations that are forced, coerced, fraudulent, or accompanied by physical and mental suffering are classified as marital rape. In these situations, women are not in a position to offer permission. As a result of her husband's mental and physical abuse, a young married lady is either burnt alive, murdered, or takes her own life every six hours.

According to Section 375, a man's non-consensual sexual intercourse with his own wife if she is over fifteen years does not constitute rape is not considered a crime. The act falls beyond the definition of rape because it was forced on her by her spouse and was not voluntary. This exemption implies that her husband has the right to have sex with her whether or not she consents, and that she has no other choice except to submit herself to her spouse against her will or desire. This. It also attempts to preserve the family's preservation by pointing clear the likelihood of false, phony, and motivated charges of rape by the woman against her husband and the practical problems that may occur in such a court action. Although his first marriage was nullified because of this, sexual contact with a woman who is his current wife and who is aware of his previous marriage constitutes rape under the criminal code. IPC's non-consensual sexual intercourse penalty is modest in comparison to that of rape when the victim is under the age of fifteen years old when committed by a husband with his wife living separately, under the exemption to IPC section 375.

STATUS OF MARITAL RAPE IN INDIA AND RELATED CASELAWS^{vi}

For example, according to section 375 of the Indian Penal Code, "sexual intercourse by an adult man with his own spouse is not defined as rape" since the spouse must be at least 15 years old. Rape is punishable under Indian Penal Code Section 376. This clause stipulates that a rapist should face imprisonment for a term of not less than seven years, but which may extend to life, or for a term of up to ten years, and he or she should also be found guilty of both offences.

1. In **Saretha V.T. Venkata Subbaih** case, it was ruled that a marriage's rights and responsibilities are more like a creation and dissolution than a private compact between two people. In a marriage, the right to privacy is not compromised. As a result, there is no penalty for marital rape, and the solution is with the victim. There was a sense that

a new sexual assault legislation was needed. The previous regulation did not distinguish between different types of sexual assault.

2. In **Sakshi v. Union of India**, when it came to rape laws, the Supreme Court saw flaws and recommended that the government make revisions to the statutes that dealt with the crime.
3. The **Domestic Violence Act, 2005** different provisions such as the cruelty and other issues are dealt with, legal remedies have been given for many people have been victimized by marital rape as the population has grown, but legislators have shown little inclination to make it a crime. In reality, the ladies have no idea what is going on or what the Indian penal code's rules are regarding their treatment.
4. In **Queen Empress v. Haree Mythee**, According to the ruling, if the wife is over the age of 15, the rape statute does not apply. Because the wife was just 11 years old, the husband received the full brunt of the punishment in this case.
5. In the Kerala High Court, **Sree Kumar v. Pearly Karun**, when a woman is subjected to sexual intercourse against her will but does not reside away from her husband under a judicial separation, the conduct does not constitute rape. That is why some say the husband was not found guilty of raping his wife even though it was an act in progress. Every law passed in India must comply with the concepts and ideals entrenched in the constitution, according to the country's constitution. Anything that has been passed that does not fulfil the minimum requirements is deemed ultra vires and can be thrown out or ruled unconstitutional if the courts so decide. Section 375's exception in this case removes married women's protections because of their marital status.

KINDS OF MARITAL RAPE^{vii}

1. Violent Rape:

Happens, as the name recommends, when the abuser utilizes enough physical brutality to make damage the person in question, aside from any wounds due to the assault itself, for example wounds to the genital zone or bosoms. Models would incorporate the spouse

punching his significant other or harming her with a blade - the assault being a piece of a fierce attack, or the viciousness being a piece of the assault. Numerous abusers will likewise constrain their spouses to submit to sexual acts after a physical attack, either to demonstrate her absolution or to hide their scare and embarrass her - and if the spouse should decline such a demonstration, even the risk of further viciousness (or a past encounter) will before long guarantee her consistence. Battering assaults in which the spouse assaults and all the while hitters his better half too draws near this ambit.

2. Force Only Rape:

'Power just' rape is typically comprehended to incorporate just enough power utilized on the piece of the abuser to control or hold his better half in position, for example holding down Global Journal of Pure and Applied Mathematics Special Issue the injured individual by her arms or wrists to forestall her safeguarding herself or getting away. This type of assault is basic where there is a bigger complexity between the physical size and quality of abuser and injured individual, or in harsh connections where physical viciousness is rare or non-existent (to the extent that one doesn't classifications rape itself as a vicious demonstration). By and large of 'power as it were' assault, intimidation has an enormous influence. The injured individual may likewise be so befuddled and desensitized by steady psychological mistreatment, that she just doesn't have the foggiest idea acceptable behavior or then again respond when sex is constrained on her.

3. Sadistic Rape:

Perverved assault is once in a while likewise present. This will in general show that furthermore to the assault itself, the unfortunate casualty is either compelled to conform to or experience deeds intended to further mortify her. Instances of this would be the abuser/attacker peeing on the person in question, showcasing a dream of torturer, or utilizing other article during an assault. Perverved assault might include further viciousness. A few individuals think about buggery as a perverted type of assault, since its impact on unfortunate casualty is frequently especially embarrassing. Erotic entertainment is every now and again associated with this sort of assault. It is otherwise called Obsessive rape.

4. Anger Rape:

Anger rapes, which are committed primarily to express hostility to women, to retaliate against them and to hurt them. In this type of rape, the husband will degrade the victim/wife as much as possible. He may force her to commit other sexual acts which are particularly degrading, such as sodomy or fellatio, meaning bestiality.

5. Power Rapes:

Power rapes are committed to assert dominance and control over women. It is not really this “intention of the husband to harm; he just wants to assert his control over her. The rape reflects a kind of sexual conquest, which in a normal healthy relationship is not necessary. But in this case, the husband needs it due to his own feelings of inadequacy. That is why, when a wife with passage of time become more assertive, indignant or rebellious, this kind of rape is more likely to happen.

CAUSES AND EFFECTS OF MARITAL RAPE

One of the basic reasons for marital rape is that in a male chauvinist country many husbands use sexual violence as a way to maintain power. (SAGE Books - Family Violence: Prevention and Treatment). Another important factor for a rapid increase in rape cases is an unwilling pair-bonded mate may be a 'male way of sperm competition' which in turn is a result of sexual jealousy of a man as a woman's sexual resistance may suggest him that she is having intercourse in consent with another (“A Natural History of Rape”). Also men with the history of alcohol, abusive nature or drug problems are apt to abuse their spouses sexually when drunk or sober. Subsequently, Russell argues that economic factors are extremely important in International Journal of Pure and Applied Mathematics Special Issue understanding in why women keep living with men who rape them. Most of the women are unemployed and dependent on their husbands for their living and thus are unable to resist such an act. It is necessary to mention at this point that the long term effects of marital rape includes disagreement feelings toward men; low self-esteem; feeling of fear, anxiety, guilt, embarrassment and outrage; changes in behaviors, including an increase in drinking and a refusal to consider remarriage; and

depressions (“Understanding Family Violence”) Women are at particularly high risk for being raped by their husbands under the following circumstance:

- Women married to dominating men who view them as "property"
- Women who are in physically violent relationships
- Women who are pregnant
- Women who are ill or recovering from surgery
- Women who are separated or divorced

Many factors contribute to the difficulty that many women have in recovering from marital rape. The issues are complicated. First is the fact that the rapist is a close acquaintance, and as in other forms of acquaintance rape, healing can be a very long and difficult process. The survivor may not recognize that she was sexually violated, and so may think that her feelings of fear, revulsion, depression or anger mean that she is crazy or somehow flawed. Because the perpetrator was at one time trusted and loved, the survivor is likely to deal with bitter feelings of betrayal and broken trust, and may feel she cannot trust herself to decide which people are safe and which are not. Feelings of grief and loss are common for victim/survivors of marital rape because the rape is a break in an important relationship. The survivor may still be in love with her partner, and may feel terribly torn and confused because of this. She may feel shattered and a loss of great self-esteem, and feel worthless because someone who "loved" her did something so terrible to her.

VALIDITY OF MARITAL RAPE IN OTHER COUNTRIES^{viii}:

United States of America:

It is important to remember that societal perceptions, cultural conventions, and the belief in a victim's socioeconomic background all influence how rape cases are reported. Until 1976, marriage unions were permitted in all 50 states of the United States. Despite the fact that all 50 states in the United States have now made marital rape a criminal offence, some nations still do not view it as the grave and horrible crime it is deemed to be in other countries. Colorado,

Delaware, Florida, Georgia, Indiana, Massachusetts, Montana, Nebraska, New Jersey, New Mexico, North Carolina, North Dakota, Oregon, Texas, Utah, Vermont, Wisconsin, and the District of Columbia are among the states with tough laws against marital rape that do not differentiate between stranger and intimate partners rape. There are no exclusions for marital rape in these states.

2. *United Kingdom:*

The word "unlawful sexual intercourse" has been interpreted under the Sexual Offences Act of 1956 to indicate 'illegal intercourse,' i.e. intercourse that does not take place within the context of marriage. Common Law maintained that a husband could not be held accountable for sexually assaulting his wife because of the famous remarks of Lord Mathew Hale. Because of this widely held interpretation of the law, no husband was ever convicted of marital rape until 1949, when the case of *R v. Clarke* set a precedent for the rest of the 20th century.

FOR OR AGAINST CRIMINALIZATION OF MARITAL RAPE:

The thought of criminalizing marital rape is startling to many because of the overwhelming power males have in our culture. As a result, the following are common reasons against criminalizing marital rape in many societies:

- It would be criminal to make marriage a crime, as it would upset the delicate balance of nuptial rights and duties that exists in every union. Punishing rape in marriage would be "interventionist" and go against the "right to private" guaranteed by the Constitution. You would deprive a husband of his right to have sex with his wife and encourage the sin of adultery because he would desire to satisfy his sexual needs elsewhere. It would provide women with a way to get revenge on their spouses by threatening to file a rape case against them. Further complicating issues is that laws would have to be based only upon what the woman says, which is akin to dowry law abuse and other rape law misapplication by the wife in the past.
- First and foremost, a marriage in which the wife has no voice and the husband inflicts harm on her is unworthy of preservation, and in fact, recognizing marital rape would

simply remedy the imbalance established in conjugal interactions by "men" and therefore ameliorate the female's helpless status. To adopt a different reasoning, the state does not shy away from stepping into homosexuals' beds, and justifications like this should not be used to release the perpetrators of crimes. As a result, there is no good rationale to make an exemption for marital rape.

- The misuse of laws argument, on the other hand, is a legitimate one since a mechanism is required to make the justice delivery system successful. However, the state should not be permitted to claim the abuse of marital laws as an explanation. Any law, in fact, can be abused, and hence by the reasoning outlined above, we should have no laws at all.

PREVENTION OF MARITAL RAPE^{ix}:

At a Personal level, destruction of sexual viciousness necessitates that men include ladies as equivalent accomplices in a relationship. Changes in the activities of men can be brought just when Courts, State and other National Legislative bodies hold men answerable for their conduct and work towards strengthening all things considered notwithstanding sexual orientation. Preventive measures at the Community level could be accomplished through instruction, which would feature equity between the genders and issue explaining aptitudes in settling relational differences which further requires monetary help through private and open assets at the National, State and Network levels. At the Societal level, anticipation requires an improvement of cultural organizations what's more, the instruments for doing essential cultural capacities that neglect to give equivalent treatment to all individuals from society paying little heed to sexual orientation. Further, it requires the advancement and execution of systems for making sociopolitical change, which is an obligation and errand of every single cultural part.

SUGGESTIONS

Make the young generation conscious of such gruesome act so that they themselves develop hatred towards it. Women need to come out of the social taboos and develop a very pragmatic

temper. It is high time that India should realize the need of criminalization of marital rape. The present laws should be done away with, amended and required laws should be adopted. The machinery functioning to counter such acts should make it easy for a woman to address her grievance and make available suitable relief. The judiciary should be trained and sensitized to treat women especially on such delicate issues with empathy rather than sympathy. The Women's Commissions and NGO's should be engaged in more acidic activities in making the Legislature realize the need of passing specific laws to combat marital rape. Recommendations already made on this issue need to be implemented and the opinion of the international forum on this should be respected. The society should provide a supportive shoulder to the victim of marital rape and act as an encouraging organ for the victim to build confidence and strength to face the world and fight for her right and dignity. Lastly, though this might International Journal of Pure and Applied Mathematics Special Issue 1445 apparently sound to be vague, but in my opinion this too requires a mention. The term marital rape often conveys the idea that it is only the woman who is at the suffering end. In today's changing world which breathes of equality of sexes concepts should not be given a restricted meaning but should be assigned the widest possible explanation. Keeping this in view marital rape should also be so defined that the victim of rape involved in marital relationship can be of either sex. It may sound Utopia in rural set up but is not irrelevant in the changing urban scenario. However, it is beyond any doubt that in more than majority of the voters' cases it is the woman who suffers, just as she is the "weaker sex" in the relationship.

RECENT DEBATE BEFORE JUDICIARY

As of late, a PIL under the steady gaze of the High Court of Delhi has created a legal discussion on the lawfulness of special case to segment 375, IPC – the conjugal assault exclusion proviso. A division seat of acting Chief Justice Gita Mittal and C. Hari Shankar J hearing the PIL against the punitive code arrangement noticed that "conjugal assault is a difficult issue, which has famously turned into a piece of the culture." The RTI Foundation has recorded the PIL in 2015 and different people and institutions have likewise moved toward the High Court of Delhi testing the exception under section 375 just as segment 376B IPC on the ground that it prohibits conjugal assault as a criminal offense. It has been contended in the PIL that the exception is

unlawful and disregards the privilege of wedded ladies under articles 14, 15, 19 and 21 of the Constitution. One of the applicants has tested the arrangements of Cr PC, which are to be perused with segment 376 IPC on the ground that differential method just as differential discipline is endorsed, which is discretionary and unlawful. By chance, the becoming aware of the case stands interceded by another NGO called Men's Welfare Trust that cases that laws have just given an extraordinary status to a wedded lady, wherein she is subject to get upkeep, divorce settlement, right to home from her significant other by method for different arrangements. In the light of this, men become powerless against exploitation because of ladies, who record bogus instances of inappropriate behavior, 498-An IPC and aggressive behavior at home and so on. Men's Welfare Trust called attention to that around 62,000 wedded men end it all consistently, which is more than twofold the suicides by ladies, with local including conjugal issues being the single biggest explanation. The Government of India has documented an oath under the steady gaze of the High Court of Delhi and kept up that "it must be guaranteed satisfactorily that conjugal assault doesn't turn into a simple apparatus for irritating the spouses. The oath further keeps up that condemning assault could destabilize relationships and make men helpless against provocation by their spouses." There is insufficient information accessible on aggressive behavior at home including conjugal rape in view of preservationist and man centric standards. There are a few nations, including Nepal, US, UK and South Africa, where conjugal assault has been condemned, yet in India, the reaction of Central Government, on this issue, has been amazingly sexist and disagreeable. The Focal Government has additionally communicated its desire to implead "State Governments" as there might be a social minor departure from the issue of conjugal rape.

CONCLUSION

Marital rape is one of the worst forms of sexual violence occurring at the level of family or World, at large. Due to the nature of the activity and the associated issues of privacy of relationships, ascribed of patriarchal subjugation and most of the times, because of their economic dependency, the women victims don't come forward with their sufferings. The patriarchal mind set has led the law to close its eyes to the distress misery of the abused and tortured wives and the law does not even recognize marital rape as an offence leave aside

providing any penalties in such cases. Marital rape occurs in all types of marriages irrespective of age, social class, race or ethnicity. A very sharp and deep research data is available on the issue and lack of data poses a major hurdle in the direction of making efforts by the government and the legislature to provide effective legal forum to address the traumatized, shocked victim's concerns. The acceptance of any spousal exemption from rape indicate an acceptance of the deep understanding that wives are the sexual property of their husbands and the marriage contract is an entitlement to forceful sex. All the more, by confining the offence to women, who are not married to the convicted accusers, rape laws become discriminatory and deny equal protection to a class of persons – married women, on account of their status. The Supreme Court has recognized rape of a minor wife in very loud terms and has delivered a landmark judgment suggesting the legislative formula to make child marriages void ab initio. But the major wives have not been able to win the judicial sympathy so as to get marital rape recognized by the apex judiciary. The narrow and restrictive definition of rape, which allows for the marital exemption make the definition of rape, a hollow statement, which provides escape-route for many perpetrators of sexual violence and the quest for justice remains unquenched.^x

Marital rape is indeed a serious crime and that women who have experienced this type of rape need better sources of help. Victims undergo a variety of emotional and behavioural reactions, some of them quite severe. It was also clear that rape by ones husband leads to even worse consequences than "only" being battered. In every comparison done, the raped and battered women demonstrated more extreme reactions than another battered women who had not been raped. However, it was also true that the raped women tended to have experienced the most extreme levels of violence. Marital rape meets the legal criteria for criminal sexual conduct but with two crucial differences, Previous studies have examined women's responses to rape within an intimate relationship as well as physiological effects of rape ("The Dark Consequences of Marital Rape on JSTOR") In USA, Dr. Diana Russell found that a minimum of 14 percent of American women who have ever been married have been raped by a husband or ex-husband—one out of every seven married women. In this eye-opening work, Russell explores many disturbing questions raised by her findings. For example: Why is rape in marriage so often downplayed, even by the wife-victims themselves? Why is wife rape so prevalent, and to what extent is it caused by the traditional American family structure (Torres and Gabriela Torres), This lead to eye opener for many countries regarding marital laws. Both pillars of humanity,

men and women have equal importance and development. Among other problems marital rape is very crucial as it is not recognized, till date in our Indian legal system didn't give appropriate attention to this issue. The need of the hour is to salvage Section 498A of the Indian Penal Code from the shackles of adverse propaganda and "misuse" by the media, goaded on by men's rights groups from the urban and privileged classes, and restore it as a viable law to protect victims of all types of domestic violence. The provisions of the civil law of Domestic Violence Act should be linked to the criminal provision which will help all affected women much more than the introduction of the charge of marital rape.

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Abbreviations and List of Cases:

- IPC.....Indian Penal Code
- Cr.PC.....Criminal Procedural Code
- NGO.....Non-Governmental Organization

Cases:

1. Saretha V.T. Venkata Subbaih
2. Sakshi v. Union of India
3. Queen Empress v. Haree Mythee
4. Sree Kumar v. Pearly Karun

ENDNOTES

ⁱ Available at <https://www.kanoonreview.com/marital-rape-with-respect-to-its-position-in-india.html>

ⁱⁱ Available at <https://www.kanoonreview.com/marital-rape-with-respect-to-its-position-in-india.html>

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^x Brinda Karat and Indu Agnihotri, “*Violence Against Women*. ”

